

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zecchino et al.

Serial No.: 09/995,358 Group Art Unit: 1618

Filed: November 26, 2001 Examiner: Fubara, B.

For: GELLED AQUEOUS COSMETIC COMPOSITIONS

RESPONSE UNDER 37 C.F.R. §1.116

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the office action of September 1, 2009, the Applicants respectfully request reconsideration of the application in view of the following remarks.

Introductory Remarks

The response raises no new issues and is believed to place the application in condition for allowance, or in better condition for appeal should the final rejection be maintained.

Regarding the Examiner's "Response to Arguments" on page 2 of the office action, the Applicants note with appreciation the withdrawal of the claim rejections under 35, U.S.C. §112, first and second paragraphs.

However, the Applicants do not understand the Examiner's statement "Applicant has *constantly* [emphasis added by the Applicants] used the term 'Appellant' in the remarks filed 4/13/09. It is, however, respectfully brought to applicant's attention that the response filed 4/13/09 and 6/2/09 is not an Appeal Brief."

In response, the Applicants respectfully advise the Examiner that inadvertently using "Appellants" 4 times in the response filed 4/13/09 (not counting the 2 times the Applicants were quoting the Examiner) out of a possible 23 times – where "Applicants" should have been used, can hardly be considered being "constantly" used. Additionally, the Applicants respectfully point out that the Examiner herself inadvertently used the term "Appellants" on page 6, in paragraph 4 of the current office action in